

FILE NO.: Z-5766-A

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NAME: Horton's Orthotics and Prosthetics Short-form PD-C

LOCATION: Located at 5220 West 12<sup>th</sup> Street

ARCHITECT:

Polk Stanley Wilcox  
Attn. Ross McCain, AIA  
2222 Cottdale Lane  
Little Rock, AR 72202

ENGINEER:

Development Consultants, Inc.  
2200 North Rodney Parham Road, Suite 220  
Little Rock, AR 72212

AREA: 0.74 acres      NUMBER OF LOTS: 1 zoning lot      FT. NEW STREET: 0 LF

CURRENT ZONING:      O-3, General Office District and C-3, General Commercial District

ALLOWED USES:      Office and Commercial

PROPOSED ZONING:      PD-C

PROPOSED USE:      Medical appliance fitting and sales

VARIANCE/WAIVERS:      A variance from Sections 30-43 and 31-210 to allow the placement of the driveway on West 12<sup>th</sup> Street nearer the property line than typically allowed.

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A.      PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting rezoning of the site from O-3, General Office District and C-3, General Commercial District to Planned Development Commercial to allow the existing business, Horton's Orthotics and Prosthetics, to remove a portion of an existing structure and construct a new building on the site. Horton's Orthotics and Prosthetics has been in operation at this location for approximately 25-years. Originally the Horton's purchased the property and built an addition to the existing old home, all of which housed their prosthetics business. In 1994 a second addition to the building was constructed to expand the business. At this

point the original home is no longer serviceable due to failing foundations and roof, as well as poor electrical and HVAC components, and in fact the layout of the old house no longer works well as a business office for the business. The owner is now proposing to remove the old home and replace it with a new structure to tie into the earlier additions.

The applicant is requesting a variance from the typical development standards for the driveway located on West 12<sup>th</sup> Street. The drive is indicated 25-feet from the western property line. The drive is indicated as an exit only drive.

B. EXISTING CONDITIONS:

This section of West 12<sup>th</sup> Street contains a number of medical related office uses. Across both Harrison and West 12<sup>th</sup> Streets are medical clinic uses. To the east on the east and west corners of South Van Buren Street are medical office clinics. Also located in the area are restaurant uses, a drycleaners, convenience stores, hotels and churches. West 12<sup>th</sup> Street has been constructed to Master Street Plan standard including curb and gutter. South Harrison Street has curb, gutter and sidewalk located along this property frontage.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has not received any comment from area property owners. All property owners located within 200 feet of the site along with the Forest Hills, Hope and Oak Forest Neighborhood Associations were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. West 12<sup>th</sup> Street is classified on the Master Street Plan as a minor arterial with special design standards. A dedication of right-of-way 35 feet from centerline will be required.
2. A 20 foot radial dedication of right-of-way is required at the intersection of West 12<sup>th</sup> Street and Harrison Street.
3. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
4. On site striping and signage plans should be forwarded to Public Works, Traffic Engineering for approval with the site development package.
5. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this site.

Entergy: Entergy does not object to this proposal. A three phase power line exists along the north side of 12<sup>th</sup> Street on the south side of this property. A single phase line exists on the west side of the property on So. Harrison Street. There do not appear to be any conflicts with existing Entergy facilities unless the proposed drive on 12<sup>th</sup> Street creates a conflict with an existing pole. Contact Entergy in advance regarding future service requirements to the development and future facilities locations as this project proceeds.

CenterPoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
3. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
4. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
5. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
6. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas

Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 501.377.1226 if you would like to discuss backflow prevention requirements for this project.

7. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives area used, a reduced pressure zone back flow preventer shall be required.

Fire Department:      **Maintain Access:**

**Fire Hydrants.** Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

**Loading.** Maintain fire apparatus access road design as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

**Fire Hydrants.** **Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code.** Section C101 – C105, in conjunction with Central Arkansas Water (Jason Lowder 501.377.1245) and the Little Rock Fire Marshal's Office (Captain Tony Rhodes 501.918.3757). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: The area is currently served by METRO on Route 3, one of our top 5 ridership routes. We would like to emphasize maintaining the sidewalk connections to the neighborhood for transit rider access to jobs and shopping.

The area is part of our future plans for Bus Rapid Transit. METRO has plans to provide service enhancements. One missing site element, not shown on the plan was curb ramps at the new driveway entrance. Needed for ADA access to the sidewalk.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review and approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; [crichey@littlerock.org](mailto:crichey@littlerock.org) or  
Mark Alderfer at 501.371.4875; [malderfer@littlerock.org](mailto:malderfer@littlerock.org).

Planning Division: This request is located in the I-630 Planning District. The Land Use Plan shows Office (O) for this property. The Office category includes services provided directly to consumers (e.g. legal, finance, medical) as well as general offices which support more basic economic activities. The applicant has applied for a rezoning from C-3, General Commercial District and O-3, General Office District to PCD (Planned Commercial Development District) to allow for redevelopment of a medical office/clinic on this site.

Master Street Plan: 12<sup>th</sup> Street is a Minor Arterial on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on 12<sup>th</sup> Street since it is a Minor Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class II Bike Lane is shown along 12<sup>th</sup> Street. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

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Bicycle Plan: A Class II Bike Lane is shown along 12<sup>th</sup> Street. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property or the right-of-way of any street. This strip shall be at least nine (9) feet wide. One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip. An additional ten (10) shrubs will be required adjacent to the 12<sup>th</sup> Street right-of-way.
3. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area.
4. Provide perimeter plantings adjacent to the west property line and screening shrubs adjacent to southeast site exit.
5. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

G. SUBDIVISION COMMITTEE COMMENT: (September 16, 2015)

The applicant was present. Staff presented an overview of the item stating there were a few outstanding technical issues related to the site plan which needed to be addressed prior to the Commission acting on the request. Staff requested the applicant provide the days and hours of operation, the proposed signage plan and the location of any proposed fencing. Staff also requested the site plan include a note concerning the dumpster screening.

Public Works comments were addressed. Staff stated a radial dedication of right of way was required at the intersection of West 12<sup>th</sup> and South Harrison Streets. Staff also stated any broken curb, gutter or sidewalk was to be replaced by the applicant prior to the issuance of the certificate of occupancy. Staff stated no additional right of way was required along South Harrison Street.

Landscaping comments were addressed. Staff stated the perimeter planting strip was required but could be reduced to six (6) feet nine (9) inches since the property was located in the designated Mature Area of the City with regard to landscaping and buffering requirements. Staff stated screening was required adjacent to properties zoned or used as residential. Staff requested the applicant provide perimeter plantings adjacent to the west property line and screening shrubs adjacent to the southeast site exit.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing most of the technical issues associated with the request. The applicant has provided the days and hours of operation, the proposed signage plan, the location of fencing and included a note concerning the dumpster screening. The applicant has also noted the right of way for West 12<sup>th</sup> Street was dedicated with a previous construction project.

The requesting is to rezone the site from O-3, General Office District and C-3, General Commercial District to Planned Development Commercial to allow the existing business, Horton's Orthotics and Prosthetics, to remove a portion of an existing structure and construct a new building on the site. Per the zoning ordinance the business is classified as medical appliance fittings and sales which is a facility specializing in special purpose devices related to medical treatment. This use is allowed within the C-3, General Commercial district but not within the O-3, General Office district.

Horton's Orthotics and Prosthetics has been in operation at this location for approximately 25-years. The business converted a residence to the prosthetics business and later built an addition to the home to expand the business. In 1994 a second addition to the building was constructed to once again expand the business.

Currently the original home is no longer serviceable due to structural failure as well as poor electrical and HVAC components. Also the layout of the old house no longer works well as a business office for the business and the owner is proposing to remove the home and replace it with a new structure to tie into the earlier additions.

The applicant is requesting a variance from the typical development standards for the driveway located on West 12<sup>th</sup> Street. The drive is indicated 25-feet from the western property line. Sections 30-43 and 31-210 direct the placement of drives with regard to property lines and the spacing between drives. The ordinance states driveway spacing on arterial streets is to be three hundred (300) feet. The spacing for drives is measured centerline to centerline or centerline to right-of-way of an intersecting collector street or street with a higher classification. The minimum spacing from the property line is to be one hundred fifty (150) feet. The drive is located 18-feet from the eastern property line. Staff is supportive of the drive. There is an existing drive on West 12<sup>th</sup> Street near the location proposed for the new access which is a two-way drive. This drive is proposed as an exit only drive which will limit backups on West 12<sup>th</sup> Street.

The maximum building height proposed is 35-feet. The gross building area is 11,921 square feet. Of the site twenty percent (20%) is proposed with building coverage, fifty-six percent (56%) with paving and twenty-four percent (24%) with landscaping. The site plan includes thirty-three (33) parking spaces. The

applicant has indicated 7,472 square feet of the building is used for office space and exam room/appliance fitting. The remaining 4,449 square feet is used for manufacturing of the medical appliances. The building materials included brick and vinyl siding with a composition shingle roof to match the existing construction.

Parking for the business aspect of the business would be 24 parking spaces and for the manufacturing portion seven (7) parking spaces for a total of 31 parking spaces.

The business operates from 8:00 am to 5:30 pm Monday through Friday. The hours of dumpster service have not been indicated. Due to the proximity to residential homes, staff recommends the dumpster hours of service be limited to 7:00 am to 6:00 pm Monday through Friday.

The site plan includes there are two (2) ground signs existing on the site. The applicant has indicated no new signage is proposed. The signs are six (6) feet in height and 64 square feet in area. The signage is consistent with signage allowed in offices zones. No building signage is proposed. Should building signage be desired in the future the signage should comply with signage allowed in office zones or a maximum of the facades which abut a public street with an area not to exceed ten (10) percent.

Staff is supportive of the applicant's request. The business has existed at this location for 25+ years and does not appear to have adversely impacted the area. This portion of West 12<sup>th</sup> Street is redeveloping as a medical office corridor. Staff does not feel the rezoning from O-3, General Office District and C-3, General Commercial District will have an impact on this site or the area.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Staff recommends approval of the variance request from Sections 30-43 and 31-210 to allow the placement of the driveway on West 12<sup>th</sup> Street nearer the property line than typically allowed.

Staff recommends the dumpster hours of service be limited to 7:00 am to 6:00 pm Monday through Friday.



PLANNING COMMISSION ACTION:

(OCTOBER 8, 2015)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. Staff presented a recommendation of approval of the variance request from Sections 30-43 and 31-210 to allow the placement of the driveway on West 12<sup>th</sup> Street nearer the property line than typically allowed. Staff presented a recommendation the dumpster hours of service be limited to 7:00 am to 6:00 pm Monday through Friday. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 9 ayes, 0 noes and 2 absent.

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STAFF UPDATE:

This item was mistakenly placed on the Commission's Consent Agenda for Approval at their October 8, 2015, public hearing. At that time the applicant had failed to provide proper notice to the property owners within 200-feet of the site. Proper notice has been given at this time.

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Staff recommends approval of the variance request from Sections 30-43 and 31-210 to allow the placement of the driveway on West 12<sup>th</sup> Street nearer the property line than typically allowed.

Staff recommends the dumpster hours of service be limited to 7:00 am to 6:00 pm Monday through Friday.

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PLANNING COMMISSION ACTION:

(NOVEMBER 19, 2015)

The applicant was present. There were no registered objectors present. Staff stated the item was mistakenly placed on the Commission's Consent Agenda for Approval at their October 8, 2015, public hearing. Staff stated at that time the applicant had failed to provide proper notice to the property owners within 200-feet of the site. Staff stated proper notice had been given at this time. Staff presented a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. Staff presented a recommendation of approval of the variance request from Sections 30-43 and 31-210 to allow the placement of the driveway on West 12<sup>th</sup> Street nearer the property line than typically allowed. Staff presented a recommendation the dumpster hours of service be limited to 7:00 am to 6:00 pm Monday through Friday. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 10 ayes, 0 noes and 1 absent.